

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Timothy D. Hudson and Molly Hudson

**DEPARTMENT:** County Attorney's Office

**DIVISION:** Litigation

**AUTHORIZED BY:** Lola Pfeil

**CONTACT:** Sharon Sharrer

**EXT:** 7257

**MOTION/RECOMMENDATION:**

Authorization to foreclose the mortgage on the Hudson vacant residential property which secures the promissory note provided to Seminole County to settle a breach of contract lawsuit which arose from Mr. Hudson's default on Affordable Housing Funding Agreements entered into with Seminole County. Mr. Hudson has defaulted on the scheduled payments under the note and mortgage. The balance owed by Mr. Hudson is \$27,500.00.

District 5 Brenda Carey

Robert A. McMillan

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**BACKGROUND:**

see attached

**STAFF RECOMMENDATION:**

Staff recommends that the Board authorize a foreclosure lawsuit to foreclose the mortgage on the Hudson vacant residential property which secures the promissory note provided to Seminole County to settle a breach of contract lawsuit which arose from Mr. Hudson's default on Affordable Housing Funding Agreements entered into with Seminole County. Mr. Hudson has defaulted on the scheduled payments under the note and mortgage. The balance owed by Mr. Hudson is \$27,500.00.

**ATTACHMENTS:**

1. Timothy D. Hudson and Molly Hudson

<b>Additionally Reviewed By:</b> No additional reviews
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**COUNTY ATTORNEY'S OFFICE  
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Robert A. McMillan, County Attorney

FROM: David G. Shields, Assistant County Attorney *David G. Shields*

CONCUR: Michele Saunders, Director/Community Services *Michele Saunders*

DATE: September 18, 2009

Subject: Foreclosure on Timothy D. Hudson and Molly Hudson's property.

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This memorandum requests that the Board of County Commissioners (BCC) authorize a foreclosure lawsuit to foreclose the mortgage on the Hudson property which secures the promissory note provided to Seminole County. Pursuant to the note and mortgage, Mr. Hudson was to pay a total of \$47,500.00 to Seminole County Government to settle a breach of contract lawsuit which arose from a default on Affordable Housing Funding Agreements entered into with Seminole County. Mr. Hudson paid the initial \$20,000.00 as required under the note and mortgage, but he has not made any subsequent payments.

**I BACKGROUND**

On July 24, 2007, the BCC approved a mediated settlement agreement with Mr. Hudson in a breach of contract action. Under the settlement and in accordance with the Court's final judgment, Mr. Hudson was to deliver a cashier's check in the amount of \$20,000.00, payable to Seminole County Government within ten (10) days of July 24, 2007. This payment was made by Mr. Hudson. At the same time, Mr. Hudson also delivered a promissory note and mortgage in the amount of \$27,500.00 payable as follows:

- On or before July 28, 2008 payment of \$10,000.00,
- On or before July 29, 2009 payment of \$10,000.00; and
- On or before April 24, 2011 payment of \$ 7,500.00.

Mr. Hudson is in default on the July 28, 2008 and July 29, 2009 payments.

The collateral under the mortgage is a vacant residential property which is located on 15th Street in Sanford, Florida and is legally described as follows:

Lot 14, less the west 5 feet, amended plat Elnora Square, according to the plat thereof as recorded in Deed Book 113, Page 482, of the Public Records of Seminole County, Florida.

A location map is attached as Exhibit A.

The Seminole County Property Appraiser reports a market value of \$20,295.00 for the subject property. A foreclosure title report has been obtained for the subject property and it indicates there are no liens superior to the County's mortgage. Therefore, there appears to be significant equity in the subject property to make foreclosure of the mortgage worthwhile to attempt to recover at least part of the outstanding debt.

## **II RECOMMENDATION:**

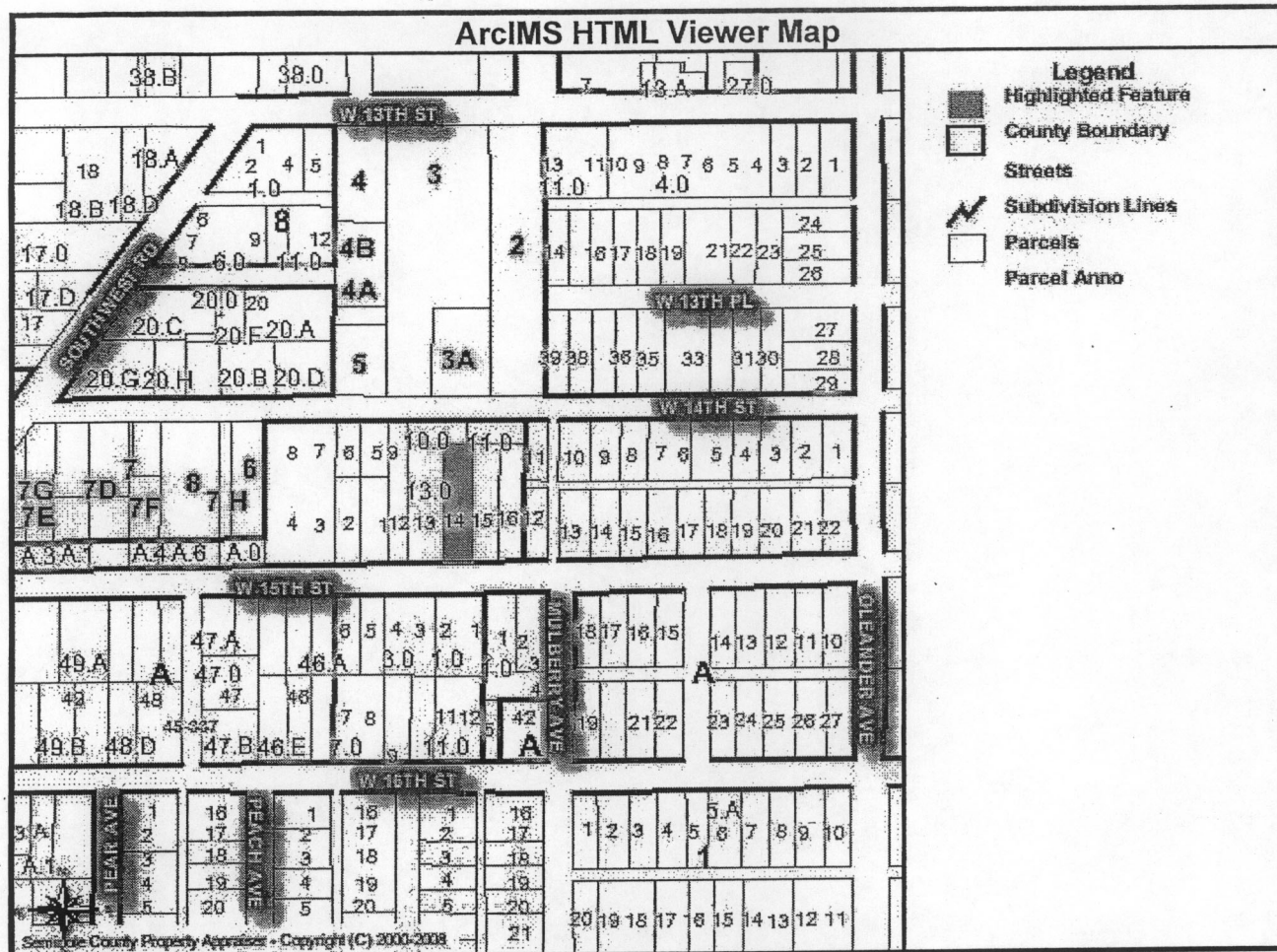
County Staff recommends that the BCC authorize the filing of a Foreclosure action to recover the debt owed to Seminole County.

DGS/dre

Attachment

Exhibit A – Location Map

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**EXHIBIT A**